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JUN 30 2006

OFFICE OF PETITIONS

In re Application of
Ming King Wong :
Application No. 09/840,426 : DECISION GRANTING PETITION
Filed: April 20, 2001 :
Attorney Docket No. 02369 :
:

This is a decision on the "PETITION TO CORRECT ERROR IN FILING OF AN APPLICATION", filed September 6, 2005, which is being treated as a petition under 37 CFR 1.182 to replace the drawings in the file with the drawings supplied May 8, 2003.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on April 20, 2001. The application published on October 24, 2002. On May 8, 2003, applicant filed the a request for corrected publication, stating that the application published with drawings different than those allegedly filed. The request was dismissed due to timeliness, and was forwarded to the Office of Petitions to consider whether as sufficient evidence to replace the drawings in the file with the drawings supplied May 8, 2003. The petition was dismissed in a decision mailed on June 23, 2005. While petitioner submitted a postcard receipt, itemizing four sheets of drawings, it was not sufficient to prove that the four sheets of drawings supplied on May 8, 2003 were the four sheets of drawings filed on April 20, 2001.

On renewed petition, petitioner has supplied convincing evidence to establish that the Office received the four sheets of drawings on April 20, 2001, but placed them into application no. 09/840,511. Conversely, the drawings belonging in application no. 09/840,511 were placed into the instant application. Petitioner has submitted copies of certified copies of Application Nos. 09/840,426 and 09/840,511, both filed on April 20, 2001. It is clear from the evidence presented on petition that the drawings in both applications were filed on April 20, 2001, but were mistakenly swapped between the two applications.

Given the basis for granting this petition, no fee has been charged.

The four sheets of drawings originally placed in the application file have been returned to application no. 09/840,511 (now Patent No. 6,757,569).

The application file is being forwarded to Group Art Unit 3749 for examination in due course, using the drawings supplied May 8, 2003.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions